



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 26 1998

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Tracy Alaimo Mattson
Director of Environmental Compliance
Institute of Scrap Recycling Industries, Inc.
1325 G Street, N.W.
Suite 1000
Washington, DC 20005

Dear Ms. Mattson:

This is in response to your letter of August 24, 1998, in which the Institute of Scrap Recycling Industries, Inc. (ISRI) asks the Environmental Protection Agency (EPA) to clarify the applicability of §761.65(c)(9) to temporary storage of scrap shredder residue (fluff).

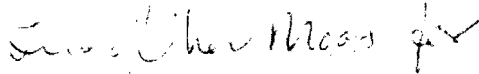
40 CFR 761.65(c)(9) states, in part: "Bulk PCB remediation waste or PCB bulk product waste *may* be stored at the clean-up site or site of generation for 180 days subject to the following conditions:....." [emphasis added] 63 FR 35384, at 35453. Please note that §761.65(c)(9) provides a storage *option* to the existing storage provisions at §761.65(b)(1) and (c)(1)(iii), which currently apply to shredder fluff. Generators of shredder fluff, may at their discretion continue to store their fluff in accordance with §761.65(b)(1) and (c)(1)(iii), or avail themselves of the new (c)(9), or as a third option, store their fluff in a storage unit which meets the requirements of new §761.65(b)(2). Finally, as a fourth option, ISRI may apply for a risk-based storage approval for PCB bulk product waste which can be crafted to the specific industry practices associated with the storage of shredder fluff. Accordingly, EPA does not believe the new provision at §761.65(c)(9) can be fairly characterized as burdensome.

This new provision was added by EPA in response to a comment received from the Department of Energy, requesting storage options for PCB bulk remediation waste and PCB bulk product waste. See 63 FR 35384 at 35406. Also in docket OPPTS-66009C, see document B2-096 (Response to Comments), pp. 118 & 142, and C1-147 (Department of Energy), p. 36. Unfortunately, as ISRI (C1-253) did not submit comment on this issue, EPA was not able to specifically consider shredder industry practices in the development of the §761.65(c)(9) storage option.

The storage provision at §761.65(c)(9) may be used as of the effective date of the Disposal of PCBs Final Rule, which is August 28, 1998.

If you have any additional questions about this matter, please contact Tom Simons of my staff at (202) 260-3991.

Sincerely,

A handwritten signature in dark ink, appearing to read "John W. Melone", followed by a checkmark.

John W. Melone, Director
National Program Chemicals Division

August 24, 1998

John W. Melone, Jr.

Director, National Program Chemicals Division

U.S. EPA

401 M Street, SW

MC 7404

Washington, DC 20460

RE: PCB Disposal Amendments

Dear Mr. Melone:

The purpose of this letter is to seek clarification on the applicability of the 'thirty-day temporary storage' provision under *761.65 for PCB Bulk Product Waste.

According to *761.65(c)(9), PCB Bulk Product Waste may be stored at the site of generation for 180 days subject to several burdensome conditions. However, the rule does not provide any clarification regarding the ability to store this waste for a shorter period of time without having to meet the requirements of (c)(9). Scrap processors generate significant volumes of shredder residue (fluff) daily, up to 400 tons or more. Due to the tremendous amount of material generated at a scrap processing facility, it will be logistically and economically impractical for most, if not all, scrap

processors to meet the requirements outlined in (c)(9) such as installing covers and run-on control systems. Unfortunately, these burdensome provisions were not included in the proposed rule issued on December 6, 1994, so ISRI was not able to submit comments establishing the need to differentiate between the storage requirements for PCB Bulk Product Waste and PCB Remediation Waste as well as explain industry practices associated with the storage of shredder residue.

Since, the requirements outlined in (c)(9) are inappropriate and overly restrictive for the scrap processing and recycling industry, ISRI will be submitting an application according to *761.62(c) for a risk-based storage approval for PCB Bulk Product Waste defined in *761.62(b). In the meantime, the industry must be able to responsibly dispose of shredder residue without violating TSCA. Accordingly, ISRI requests that the Agency clarify that PCB Bulk Product Waste can be stored temporarily in an area that does not comply with *761.65(c)(9) for up to thirty days.

ISRI would like to notify its membership prior to the effective date of the rule regarding this important clarification; therefore, your assistance in expediting this matter is greatly appreciated. If you need further information or have additional questions, please contact me at (202) 662-8533.

Sincerely,

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Tracy Alaimo Mattson

Director of Environmental Compliance

cc: Tony Baney

Julie Simpson

Dr. John Smith